

MINUTES  
MALIBU CITY COUNCIL  
ADJOURNED REGULAR MEETING  
AUGUST 5, 2003  
CITY COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Kearsley called the meeting to order at 6:32 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Councilmember Jeff Jennings and Councilmember Andrew Stern

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney, Lisa Pope, City Clerk

ABSENT: Mayor Pro Tem Sharon Barovsky and Councilmember Joan House

**PLEDGE OF ALLEGIANCE**

John Mazza led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Councilmember Stern moved and Mayor Kearsley seconded a motion to approve the agenda. The motion carried 3-0, Councilmember House and Mayor Pro Tem Barovsky absent.

**REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the agenda for the meeting was posted on August 1, 2003.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2 WRITTEN AND ORAL COMMUNICATIONS**

**A. PUBLIC COMMENTS**

Bill Sampson expressed his condolences to Councilmember House. He discussed semi-truck traffic on Pacific Coast Highway. He requested the Council ask the Highway Patrol

and Sheriff's Department to enforce the prohibition of semi-trucks on Pacific Coast Highway.

Steve Uhring asked if ball fields could be installed on the Chili Cook-off site if the proposed wastewater treatment facility was constructed.

Ozzie Silna questioned whether ball fields could be installed on the open space in the Trancas area.

John Mazza discussed fireworks at a recent wedding at 27800 Pacific Coast Highway. He questioned whether there was a restriction on fireworks on days other than national holidays.

City Manager Lichtig indicated she would discuss enforcement of semi-truck traffic on Pacific Coast Highway with the Sheriff's Department. She requested additional information from Mr. Sampson on when he viewed car-hauling trucks on Pacific Coast Highway. Mr. Sampson stated he recalled he had seen the trucks at 7:00 a.m. and 7:00 p.m.

City Manager Lichtig stated it was expected that there would be room for ball fields on the Chili Cook-off site. She explained that there was not yet a conceptual design.

City Attorney Hogin explained that the Trancas PCH Settlement Agreement provided for the eight acres where the condos were previously located to be donated to the City as open space.

City Manager Lichtig responded to Mr. Mazza and indicated the Council had not adopted an ordinance limiting fireworks displays. Mayor Kearsley requested additional information on limiting fireworks displays.

Ruby Fader discussed a recent letter to the Editor regarding fireworks on Busch Drive.

City Manager Lichtig indicated she would discuss the fireworks complaint on Busch Drive with the Sheriff's Department.

**B. COUNCIL COMMENTS**

None.

**ITEM 3 CONSENT CALENDAR**

None.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

- A. Malibu Bay Company Development Agreement – Applicant: Malibu Bay Company; Owner: Malibu Bay Company; Location: Civic Center, Trancas

Canyon, and Point Dume areas (Continued from Regular City Council Meeting of July 28, 2003)

Staff recommendation:

- 1) Conduct second reading, unless waived, and adopt Ordinance No. 249, an ordinance amending the Residential Custom Development Criteria of the Zoning Ordinance and Amending the Malibu Municipal Code (Zoning Text Amendment Nos. 01-007, 01-008 and 01-009);
- 2) Conduct second reading, unless waived, and adopt Ordinance No. 250, amending the Zoning Ordinance to provide for Commercial Custom Development Criteria and amending the Malibu Municipal Code (Zoning Text Amendment Nos. 01-006 and 01-010);
- 3) Conduct second reading, unless waived, and adopt Ordinance No. 251, approving Zoning Map Amendment No. 01-002 Amending the City of Malibu Zoning Map, placing the seven parcels owned by the Malibu Bay Company in the Civic Center Area of the City within the Town Center Overlay District; Zoning Map Amendment No. 01-006 amending the City of Malibu Zoning Map, placing the Commercial Properties, north of Pacific Coast Highway and east of Trancas Canyon Road, owned by the Malibu Bay Company in the Trancas Area of the City within the West Zuma Commercial Overlay District; Zoning Map Amendment No. 01-005 amending the City of Malibu Zoning Map, placing the parcels in Vesting Tentative Tract No. 24070 within the West Zuma Overlay District; Zoning Map Amendment No. 01-007 amending the City of Malibu Zoning Map, rezoning the parcels in Vesting Tentative Tract No. 53432 from Rural Residential 5 to Rural Residential 1; Zoning Map Amendment No. 01-004 amending the City of Malibu Zoning Map, placing the parcels in Vesting Tentative Tract No. 53432 within the Trancas Canyon Custom Subdivision Overlay District; and
- 4) conduct second reading, unless waived, and adopt Ordinance No. 252, approving a development agreement between the City of Malibu and the Malibu Bay Company.

Bill Sampson deferred his time to Ozzie Silna.

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Ozzie Silna discussed the letter dated August 4, 2003 from Jan Chatten-Brown of Chatten-Brown & Associates. He discussed the potential development on the Perenchio golf course property and its ability to hook into a wastewater treatment facility developed on the Chili Cook-off site. He stated an environmental impact report should be done.

John Mazza discussed his previous comment regarding the use of rentable square footage. He suggested striking "rentable" related to parking requirements for each parcel.

Ruby Fader deferred her time to Steve Uhring.

Steve Uhring provided an overview of his understanding of the economics of the proposal. He requested the Mayor explain the negotiation strategy. He asked why no one else in the City had any idea about the golf course agreement.

Mayor Kearsley discussed the maximum development on the Perenchio golf course property and wastewater quantities. He provided engineering figures on potential development of the Perenchio golf course property. He explained the development potential under the current Zoning Ordinance.

City Attorney Hogin stated Development Agreement Section 5.4.1., Chili Cook-Off Contingency, had been included in all staff reports and on the original term sheets since June 18, 2003. She explained there was not currently a wastewater treatment facility project. She stated the parameters in Development Agreement Section 5.4.1. were set up in order to make sure that if a system was established it would be effective in cleaning the Lagoon.

Mayor Kearsley asked if there were wetlands constituted in the Development Agreement. City Attorney Hogin stated the Development Agreement did not have a specific project proposed for the Chili Cook-off site but the Development Agreement would not preclude inclusion of the wetlands.

Councilmember Jennings explained that if a water treatment plant was built it would be funded by the users of the plant. He discussed the City's desire to improve the water quality in the Lagoon. He stated Plan A and Plan B were effectively de-linked. He reminded the community that the General Plan and Zoning Ordinance were already in place which provide for development. He stated the development agreement arose based on the City's concerns over allowing the property to be developed under the current provisions of the General Plan and IZO. He stated the plan before the public was not a perfect plan but better than the plan in effect under the General Plan and IZO. He invited those who oppose the plan to come forward with a solution to development under the IZO and General Plan.

Mayor Kearsley stated the alternative to the Development Agreement was the IZO. He stated the DA would clean up the Lagoon, Ocean and Creek, reduce development, and create a park.

**MOTION** Councilmember Jennings moved and Councilmember Stern seconded a motion to waive further reading and adopt Ordinance No. 249, an ordinance amending the Residential Custom Development Criteria of the Zoning Ordinance and Amending the Malibu Municipal Code (Zoning Text Amendment Nos. 01-007, 01-008 and 01-009), adopt Ordinance No. 250, amending the Zoning Ordinance

to provide for Commercial Custom Development Criteria and amending the Malibu Municipal Code (Zoning Text Amendment Nos. 01-006 and 01-010), adopt Ordinance No. 251, approving Zoning Map Amendment No. 01-002 Amending the City of Malibu Zoning Map, placing the seven parcels owned by the Malibu Bay Company in the Civic Center Area of the City within the Town Center Overlay District; Zoning Map Amendment No. 01-006 amending the City of Malibu Zoning Map, placing the Commercial Properties, north of Pacific Coast Highway and east of Trancas Canyon Road, owned by the Malibu Bay Company in the Trancas Area of the City within the West Zuma Commercial Overlay District; Zoning Map Amendment No. 01-005 amending the City of Malibu Zoning Map, placing the parcels in Vesting Tentative Tract No. 24070 within the West Zuma Overlay District; Zoning Map Amendment No. 01-007 amending the City of Malibu Zoning Map, rezoning the parcels in Vesting Tentative Tract No. 53432 from Rural Residential 5 to Rural Residential 1; Zoning Map Amendment No. 01-004 amending the City of Malibu Zoning Map, placing the parcels in Vesting Tentative Tract No. 53432 within the Trancas Canyon Custom Subdivision Overlay District, and adopt Ordinance No. 252, approving a development agreement between the City of Malibu and the Malibu Bay Company. The motion carried 3-0, Councilmember House and Mayor Pro Tem Barovsky absent.

**ITEM 5        OLD BUSINESS**

None.

**ITEM 6        NEW BUSINESS**

None.

**ITEM 7        COUNCIL ITEMS**

None.

**ADJOURN** Councilmember Jennings moved and Councilmember Stern seconded a motion to adjourn. The time was 7:20 p.m. The motion carried unanimously.

Approved and adopted by the City Council of  
the City of Malibu on September 11, 2003.

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KENNETH KEARSLEY, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)